

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

State of Oregon _____ Plaintiff

v.

Case No(s): _____

**ORDER TO ENGAGE IN
COMMUNITY-BASED
RESTORATION AND
TREATMENT SERVICES**

Defendant _____

(ORS 161.370)

This matter came before the Court on _____ (date) for a hearing concerning Defendant's fitness to proceed pursuant to ORS 161.370.

Defendant appeared (in person or remotely) / did not appear, represented by counsel (name/ bar number) _____.

The State appeared through (name/ bar number) _____.

Based on the Court's review and consideration of (*check all that apply*):

- a report from a local community mental health program (CMHP), dated _____
- a report of a certified evaluator, dated _____
- the Court's inquiry and observation of Defendant at the hearing
- statements from counsel
- witness testimony from State's witnesses
- witness testimony from Defendant's witnesses
- parties' stipulation that Defendant is unfit to proceed
- other information:

THE COURT FINDS:

1. Defendant was found unfit to proceed on _____ (date).
2. Defendant is appropriate for community restoration.
3. The services and treatment necessary to allow Defendant to gain or regain fitness to proceed in the community are present and available.

ADDITIONAL FINDINGS

1. Defendant has the following additional conditions (*check any that apply, if known*):
 intellectual disability
 developmental disability
 traumatic brain injury
 dementia
2. If known, housing for Defendant will be available on the following date: _____.

THE COURT ORDERS:

1. Criminal proceedings against Defendant in this case are suspended until further order of the Court.
2. Based upon recommendations of the CMHP, Defendant is to be housed in the following setting while participating in community restoration services:
 secure residential treatment _____
 non-secure residential treatment _____
 supported housing _____
 other: _____
3. CMHP is to arrange the following treatment and services:
 mental health treatment: _____
 substance use disorder treatment: _____
 services: _____
4. CMHP is to notify court of the date of referrals made for community placements.
5. Defendant is to engage in the recommended appropriate level of community-based restoration services and treatment as coordinated by the CMHP.
6. Periodic Forensic Evaluations:
 - a. CMHP is to coordinate Defendant's participation in follow-up forensic evaluations to determine competency, including but not limited to transportation to evaluation site or access to and assistance with remote evaluations.
 - b. Defendant is to appear for forensic examinations by a certified evaluator at least every 180 days to evaluate whether Defendant has regained fitness to proceed, **as specified in additional conditions**.

c. If the most serious offense in the charging instrument is a violation, a Class B or Class C misdemeanor or a Class A misdemeanor other than a person Class A misdemeanor (*select box below*), it is further ordered that:

Defendant is to appear for an updated evaluation to determine whether Defendant has gained or regained fitness to proceed and a report is to be submitted to the court prior to the review hearing occurring 90 days after this Order is entered.

7. Defendant is to be released from custody.

8. Additional release conditions:

- are provided in a separate order
- are attached and incorporated into this order
- to be set by pre-trial release program

9. Updates to Court by CMHPs:

CMHP is to update the court on status of Defendant's participation in services as follows:

- written reports filed with the court *at least* every 45 days, including information concerning whether the defendant is making progress toward gaining or regaining fitness to proceed, what services that are being provided to the defendant and the identification of any additional services that are required to meet the defendant's restoration needs
- written reports are to be filed with the court every _____ days
- at review hearings set by the court *at least* every 180 days, or every 90 days if the most serious offense in the charging instrument is a violation, a Class B or Class C misdemeanor or a Class A misdemeanor other than a person Class A misdemeanor

10. Notices to Court by Community Restoration Services Providers:

Community restoration services providers are to:

- a. Immediately notify the court following Defendant's noncompliance with taking or receiving, or verbal refusal to take or receive, prescribed medications, or noncompliance or unexcused absence from community restoration services treatment; the notice is to contain a description of efforts taken to engage the defendant in taking or receiving medication or attending and complying with treatment services.

b. Notify the court if the defendant thereafter begins taking or receiving prescribed medications or attending and complying with treatment services.

11. Release of Records to CMHP and Certified Forensic Evaluator:

Records disclosed under this Order cannot be used for any other pending or subsequent matter absent order of the Court, except pursuant to standard releases of information. The Court finds good cause for ordering providers, including corrections health services, with whom Defendant has received treatment services to release the following information upon request of the CMHP in the charging jurisdiction for purposes of a CMHP providing community restoration services or upon request of the certified forensic evaluator designated to evaluate whether Defendant has gained or regained fitness to proceed for purposes of a forensic evaluation:

- a. Information from Defendant's designated medical record requested by CMHP or designated certified forensic evaluator
- b. *(check if applicable)* **Substance Use Treatment Records:** To the extent any information or records described in section (10)(a) of this Order relates to a substance use disorder diagnosis or treatment, as defined in 42 C.F.R. Part 2, ORS 430.399(6) and ORS 430.475(2), the court finds that: (i) disclosure is not for the purpose of criminal investigation and prosecution; (ii) the information or records shall be used solely for the purpose of evaluating Defendant's fitness to proceed; (iii) other ways of obtaining the information are not available or would not be effective; and (iv) the public interest in and need for disclosure outweigh the potential injury to Defendant's relationship with treatment providers. Any public body and private provider disclosing substance use treatment records pursuant to this Order is to disclose the minimally necessary records and information that are essential to fulfill the objectives of this Order.

12. Maximum Duration of Community Restoration:

For Defendants who are determined by a court to lack fitness to proceed on or after September 29, 2025, unless the Court grants an extension pursuant to Section 45(3), Chapter 559 (2025 Laws), and excluding any time period that may not be considered when calculating the maximum period of community restoration under Section 45(4), Chapter 559 (2025 Laws),* in no event may Defendant be ordered to engage in community restoration services for a period longer than allowable by law under Section

45(1), Chapter 559 (2025 Laws), based on Defendant's most serious offense in the charging instrument:

Case Number	Most Serious Offense Charged	Maximum Time in Community Restoration (90 days, 6 months, 12 months, 18 months)

*For purposes of calculating the maximum time period, community restoration begins on the date that the order is effective. The following time periods will not be considered when calculating the maximum period of community restoration, when Defendant is:

- Between failure to appear and appearance at next scheduled court appearance, other than to address failure to appear
- Between failure to appear at scheduled evaluation and appearance at next scheduled court appearance
- In violation of release agreement that impacts community restoration
- In custody at local or state correctional facility
- Failing to make reasonable efforts toward gaining fitness
- Not attending/complying with services/treatment
- Non-compliant with taking/receiving/refusing medications
- Absconding from secure facility

13. (If Defendant is committed to OSH) Defendant's commitment to OSH will be terminated upon discharge and transport from OSH; transportation from OSH to be provided as follows upon notice from OSH that Defendant is ready for discharge:

Sheriff's office in _____ County to return Defendant to custody

CMHP in _____ County to transport Defendant to placement for community restoration as provided in conditions of release

other:

NOTICE OF FIREARMS PROHIBITION

The court has found that Defendant is not currently able to move forward with their criminal case due to a qualifying mental disorder. As a result, federal law prohibits Defendant from having or buying firearms (guns or ammunition). The Oregon Judicial Department reports the prohibition on Defendant from buying firearms and ammunition to the Oregon State Police.

Future hearing(s) on this care are set for (date/time/location):

<input type="checkbox"/> Prepared by the Court	<input type="checkbox"/> Submitted by attorney for: <input type="checkbox"/> Defendant <input type="checkbox"/> State
Printed Name	
Signature	
OSB #	

Judge Signature:
